

Attorney Dkt No. CA7038322001

**REMARKS**

Claims 1-3, 5-9, 11-17, and 19-28 stand rejected under 35 U.S.C. 102(a) as being anticipated by Huang et al.'s article, "Using Word-Level ATPG and Modular Arithmetic Constraint-Solving Techniques for Assertion Property Checking" (Huang).

This application claims priority to U.S. Provisional Patent Application Serial No. 60/246,422, filed on November 6, 2000, including all of the subject matter thereof. As such, the rejected claims have November 6, 2000 as priority date to the extent that they are supported by the '422 application. Huang, on the other hand, was published on March 2001, and therefore, has an effective date of March 2001 (despite the fact that the manuscript was received on May 11, 2000). A printed publication cannot be considered a prior art under 35 U.S.C. § 102(a) if the reference was not accessible to any member of the public before the effective date of the application (MPEP § 2128). A magazine or technical journal is effective as of its date of publication not the date it was mailed or sent to the publisher (MPEP §2128.02). As such, to the extent that the rejected claims are supported by the '422 application, Huang is not prior art for the purpose of a § 102(a) rejection with respect to these claims, and withdrawal of the claim rejections over Huang is respectfully requested.

Applicant further notes that the subject matter included in the cited passages of Huang are also similarly described in the '422 application. As such, to the extent that the rejected claims are anticipated by these cited passages, they are also supported by the '422 application. As such, Applicant respectfully requests withdrawal of the claim rejections for this additional reason.


Attorney Dkt No. CA7038322001

**CONCLUSION**

Based on the foregoing, all remaining claims are believed in condition for allowance. If, the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the below-listed number.

Respectfully submitted,

Bingham McCutchen LLP

Dated: 9/3/04By:   
Gerald Chan  
Reg. No. 51,541

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, California 94111  
Telephone: (650) 849-4960  
Facsimile: (650) 849-4800